

MAR-25-2008 10:00 From:US ATTORNEY

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To:5108411666

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13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 JAMES POINT,

17 Plaintiff,

18 v.

19 UNITED STATES POSTAL SERVICE,
KELVIN HILL, and DOES 1-10, inclusive,

20 Defendants.

21) No. C 07-6398 JSW

22) STIPULATION AND [PROPOSED]
23) ORDER REGARDING AMENDED
24) COMPLAINT

25 STIPULATION

26 1. On or about December 18, 2007, plaintiff James Point filed a Federal Tort Claims Act

27 ("FTCA") complaint against the United States Postal Service ("USPS") and Kelvin Hill.

28 2. The parties hereby stipulate and agree to the filing of an amended complaint to substitute
the United States for the USPS and Mr. Hill as the defendant in this FTCA action. Plaintiff shall
file an amended complaint substituting the United States for the USPS and Mr. Hill by April 9,
2008.

29 3. The parties further stipulate and agree that the United States' response to the amended
complaint shall be due 60 days after plaintiff files his amended complaint.

30 4. The undersigned counsel for the federal defendants agrees to accept service of the
amended complaint for the United States.

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5. The United States agrees that it will not assert any defense to the amended complaint based on the absence of the USPS or Mr. Hill as parties to plaintiff's FTCA action.

IT IS SO STIPULATED.

DATED: March 26, 2008

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

JENNIFER S. WANG
Assistant United States Attorney

11 DATED: March 25, 2008

**GREGORY P. BROCK
YORK & BROCK
Attorney for Plaintiff**

[PROPOSED] ORDER

IT IS SO ORDERED.

Updated:

**JEFFREY S. WHITE
UNITED STATES DISTRICT COURT JUDGE**

**STIP. AND [PROPOSED] ORDER RE: AMENDED COMPL.
C07-6398 JSW**